

P23870.A01



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Nevin CARR et al.

Group Art Unit: 3611

Appln. No. : 10/611,959

Examiner: D. Yeagley

Filed : July 3, 2003

For : SCOOTER

**RESPONSE TO ELECTION REQUIREMENT**

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir :

In response to the Examiner's Election of Species Requirement of May 21, 2004, setting a one month period for response extending until June 21, 2004, Applicants elect, with traverse, the Species III shown in figure 25, for the reasons expressed below. Claims 1-6, 9-15, 18-24, and 28-34 are considered readable on the invention of Species III shown in figure 25. Applicants further elect, with traverse, the invention of Sub-Species IX shown in figure 18, for the reasons expressed below. Claims 9-15, 18-24, and 28-34 are considered readable on the invention of Sub-Species IX shown in figure 18.

Applicants respectfully traverse both of the Election of Species Requirements. Although the Examiner's Official Action appears to accurately identify different embodiments of the claimed invention, Applicants respectfully request that all the claims in

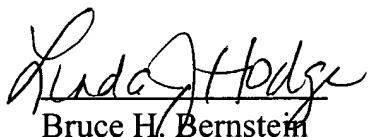
the instant application be examined, pursuant to the guidelines set forth in MPEP § 803. That is, the Examiner is respectfully requested to reconsider the requirement and find that there would not appear to be a “serious burden” on the Patent and Trademark Office in examining claims directed to the nonelected inventions since the search for the inventions identified by the Examiner would be coextensive or at least significantly overlap. It appears that if the Examiner were to perform a search for the embodiment of Sub-Species IX, there would not be a serious burden in examining the other embodiments, especially since all the claims are directed to at least a driving mechanism for an occupant propelled vehicle.

Because the search of each of the inventions would be coextensive, it would be no serious burden on the Examiner to examine all of the claims in the application. For this reason, and consistent with Office policy as set forth in MPEP § 803, Applicants respectfully request that the Examiner reconsider and withdraw the Election of Species Requirements.

For the foregoing reasons, it is submitted that the Election of Species Requirements in this application are improper and it is respectfully requested that it be reconsidered and withdrawn.

Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,  
Nevin CARR et al.

 Linda J. Hodge Reg. No. 47348  
Bruce H. Bernstein  
Reg. No. 29,027

June 16, 2004  
GREENBLUM & BERNSTEIN, P.L.C.  
1941 Roland Clarke Place  
Reston, VA 20191  
(703) 716-1191



GREENBLUM & BERNSTEIN, P.L.C.  
 Intellectual Property Causes  
 1950 Roland Clarke Place  
 Reston, VA 20191  
 (703) 716-1191

IFW

Attorney Docket No. P23870

In re application of : Nevin CARR et al

Application No. : 10/611, 959

**Mail Stop Amendment**  
 Group Art Unit: 3611

Filed : July 3, 2003

Examiner: D. Yeagley

For : SCOOTER

**Mail Stop Amendment**  
 U.S. Patent and Trademark Office  
 PO Box 1450  
 Alexandria , VA 22313-1450

Sir:

Transmitted herewith is a **Response Election Requirement** in the above-captioned application.

Small Entity Status of this application under 37 C.F.R. 1.9 and 1.27 has been established by a previously filed statement.

A verified statement to establish small entity status under 37 C.F.R. 1.9 and 1.27 is enclosed.

An Information Disclosure Statement, PTO Form 1449, and references cited.

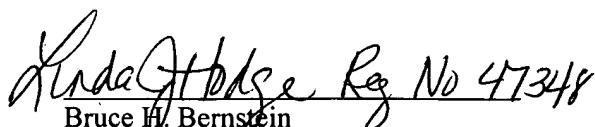
No additional fee is required.

The fee has been calculated as shown below:

Claims After Amendment	No. Claims Previously Paid For	Present Extra	Small Entity		Other Than A Small Entity	
			Rate	Fee	Rate	Fee
Total Claims: 39	*39	0	x 9=	\$0.00	x 18=	\$
Indep. Claims: 3	**3	0	x 43=	\$0.00	x 86=	\$
Multiple Dependent Claims Presented			+145=	\$0.00	+290=	\$
Extension Fees for _____ Month(s)				\$0.00		\$
			Total:	\$0.00	Total:	\$

\* If less than 20, write 20

\*\* If less than 3, write 3

 Please charge my Deposit Account No. 19-0089 in the amount of \$\_\_\_\_\_. N/A A check in the amount of \$\_\_\_\_\_ to cover the \*filing/extension\* fee is included. X The U.S. Patent and Trademark Office is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 19-0089. X Any additional filing fees required under 37 C.F.R. 1.16. X Any patent application processing fees under 37 C.F.R. 1.17, including any required extension of time fees in any concurrent or future reply requiring a petition for extension of time for its timely submission (37 C.F.R. 1.136(a)(3)).


Linda Hodge Reg. No. 47348  
 Bruce H. Bernstein  
 Reg. No. 29, 027